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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/844,395 | 04/27/2001 | Steven M. French | AUS920010149US1 | 1345 |

7590 01/06/2005

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| EXAMINER |
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ELAMIN, ABDELMONIEM I

| ART UNIT | PAPER NUMBER |
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2116

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/844,395 | FRENCH ET AL. | |
| | Examiner | Art Unit | |
| | A Elamin | 2116 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann et al, US. Pat. No. 6,170,008 in view of Abrams et al, US. Pat. No. 6,724,732.

3. Claims 1, 11, 13, 19, 21, 27 and 29, Bahlmann teaches a method of booting at least one target device in communication with a network [*title, abstract*], comprising:

requesting at least one boot file from a loading device in communication with the target device [*abstract, col. 1, lines 66-67, col. 9, lines 31-32*]; and

receiving, at the target device, the boot file after the boot delay response is received [*col. 11, lines 25-28*].

Bahlmann fails to teach executing, at the target device, a boot delay response so that the target device does not time out.

Abrams teaches a system for dynamically adjusting time-out timers in a communication network to insure that the maximum communication session wait time reflects actual network conditions [*title, abstract, col. 2, lines 10-55*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bahlmann to include executing, at the target device, a boot

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delay response, because it insures that the time-out timer will not expire before communication transactions are completed [*see Abrams, col. 2, lines 1-8*].

4. Claim 2, Bahlmann teaches the boot file is selected from the group consisting of:
a bootstrap program, a configuration file, a boot parameters file, and an operating system file [*abstract, col. 1, lines 31-33*].
5. Claims 3-4, 14-15, 22-23 and 30, Abrams teaches evaluating whether a boot delay response should be used based on a state of network congestion [*see Abrams, abstract*].
6. Claim 5, Bahlmann teaches the loading device is a server in communication with the target device [*abstract*].
7. Claim 6, Bahlmann teaches the loading device is a client device with a loading program in communication with the target device [*abstract*].
8. Claim 7, Bahlmann teaches the at least one target device is a plurality of target devices [*abstract*].
9. Claims 8, 16 and 24, Abrams teaches delaying at least one request for the boot file from the target device as the boot delay response [*see Abrams, title, abstract, col. 2, lines 10-55*].
10. Claims 9, 17 and 25, Bahlmann teaches delaying at least one response from the loading device as the boot delay response, the response comprising the at least one boot file [*abstract*].
11. Claims 10, 18 and 26, Abrams teaches altering boot parameters on the target device based on the boot delay response [*see Abrams, title, abstract, col. 2, lines 10-55*].
12. Claims 12, 20 and 28, Bahlmann teaches rebooting the target device after a timeout value has expired as the boot delay response [*col. 5, lines 15-20*].

Conclusion

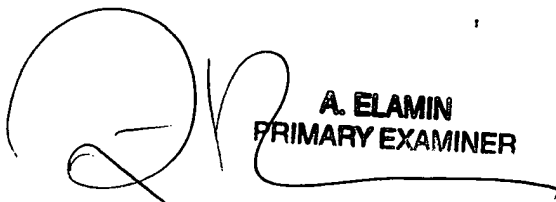
Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A Elamin
Primary Examiner
Art Unit 2116

December 29, 2004


A. ELAMIN
PRIMARY EXAMINER